

Mr Ridley, you have pleaded guilty to 2 counts of assault. The jury acquitted you of the contested charges of indecent assault and a further assault.

In view of the jury's verdict, it is appropriate, in my view, make my findings of fact be based on the admissions made by you in your police interview and in court through your counsel. There are some differences between your admitted conduct and the description of your conduct given by the complainant in evidence. Where such differences arise, I will act on the version provided by you.

The crimes were committed on 1 December 2021 when you were aged 18 and the complainant 16. You had been in a relationship for about seven months, having met when you worked together at a local fast-food franchise. While you maintained separate residences, it is clear from the evidence of both of you that you spent an enormous amount of time together. The relationship was clearly volatile and both of you admit to regular outbursts of anger and perpetration of violence against each other. My impression is that you were both very immature and neither of you had the emotional maturity or experience to cope with the intensive nature of this relationship. One of the features of the relationship was a prolific and constant engagement in sexual activity. This clearly caused problems, particularly on those occasions when the complainant did not want to engage in sexual contact with you. You admitted to police that when this happened, you felt rejection, and experienced emotional hurt. You also conceded that this hurt would manifest in angry and sometimes violent conduct.

The crimes in question were committed during such an occasion. The complainant had been at school for most of the day, and upon her return home, had to then go to work. You on the other hand had had an inactive day and I conclude that your psychological state was a low ebb when the complainant returned from school. She wanted you to drive her to work. Although this was common practice, you resented this and felt that she was imposing on you. I suspect that this reaction arose from the way you were feeling. It seems that at some point before you left the house, you asked the complainant for sex but, understandably given the need for her to get to work, she refused. This prompted the emotional response I have already spoken about and exacerbated your low mood and resentment. This was your mindset when you and she set off in the car, ostensibly for you to drive her to work. In fact, after a short distance it became clear that you were not prepared to take her there. She became upset and took her phone out with the intention of calling her mother to ask her to take her to work. You grabbed the phone off her, in order to prevent her from making that call and put it in a receptacle in the driver's side door of the car. She leaned across you to try and get it back but you were intent on preventing her from doing so. At this point, you committed the first assault. You agree that you placed her in a headlock and applied pressure on her throat. You also put your hand over her nose and mouth. You told police that you did this to stop her screaming for help. You held her like this for a considerable time. These actions restricted her breathing and caused bruising around her neck and shoulder. Eventually, she was able to free herself by pulling your hair. She got out of the car and ran down the road. You followed her and enticed her to the car with the promise that you would return her telephone and other property. When she opened the door of the car and reached for her phone, you grabbed her hand and pulled her in. You then drove her home and allowed

her to get out of the car when you got there. This is the second assault. It is constituted by the act of pulling her into the car and then depriving her of her liberty while you drove her home.

There is no question that these were acts of family violence. The application of the headlock and covering her nose and mouth are particularly serious. This in effect involves strangulation which of course has since been made a discrete crime. It is well recognised how dangerous and potentially life-threatening such conduct can be. You said you held her with considerable force. In addition to the actual danger, she suffered considerable pain, distress and fear. Her distress was confirmed by her mother, who saw her immediately after she returned home. It was also serious that you drove after her when she escaped from you and forced her into the car against her wishes. Taken together, your treatment of her was not only violent, it was also degrading and controlling. It carries a high level of objective seriousness.

I just heard a victim impact statement prepared by the complainant. I accept the reservation expressed by your counsel that not all of the problems which the complainant is now suffering can be attributed to this conduct but it is also well known the conduct such as this can have a significant impact on mental health of the nature described by the complainant in her victim impact statement. I have no doubt that she feels keenly the effects of what she considers occurred to her as a result of these crimes and I accept that the crimes would have had a significant impact on her.

Of course, in determining sentence, it is necessary to also take into account your personal circumstances in particular your young age and level of maturity at the time you committed these crimes. You did not then have any prior convictions, although you were subsequently fined for an assault committed against the complainant in August 2021. Since these crimes were committed, you have entered into a new relationship. You claim that there has been no violence or similar attitudes demonstrated by you in that relationship and there is nothing in your criminal history which would contradict this. You have had a good upbringing with strong family support. You are very keen to join the Australian Army and you keep yourself fit and healthy in anticipation of pursuing that ambition. I have also been told today that you have recently obtained full time employment.

You claim to be remorseful for your conduct on this occasion. I think I must accept this in light of the jury's verdict and the fact that you entered an early plea of guilty to these charges. I should also take into account in your favour that notwithstanding your early plea, you have been subject to considerable delay in receiving a trial in respect of charges for which you have now been acquitted. Clearly, this delay has caused you considerable stress and anxiety and has delayed your ability to get on with your life including pursuing your career ambitions.

Having regard to your young age when you committed these crimes and the favourable factors to which I have referred, and despite the objective seriousness of your crimes and the impact on the complainant, I do not intend to impose a sentence of imprisonment in this case. A presentence report has concluded that supervision is unnecessary in your case and you would not be suitable or assisted by participation any family violence programs because you are at low risk of committing family violence in the future. In all of the circumstances, I think the appropriate punishment is that you perform a reasonable amount of community service.

I note that upon conviction for these crimes, the preconditions for a declaration under s 29A of the *Family Violence Act* are satisfied. However, I am not of the opinion that the declaration is

warranted. In reaching this conclusion, I have had regard to your antecedents and character including your age, as well as the conclusion expressed in the presentence report that you are at low risk of committing further family violence. Accordingly, I decline to make such a declaration. However, these crimes will be recorded on your criminal record as family violence offences pursuant to s 13A of the Act.

The orders I make are as follows:

- a I convict you of the crimes to which you have pleaded guilty and make a community correction order. You must comply with the order for a period of 30 months or until you have completed the community service specified in this order, whichever occurs first. The period of 30 months shall commence today. The core conditions of the order require you to report to a probation officer and you shall do so at the office of community corrections in Burnie within three clear days of today. In addition to the core conditions the order shall also include the following special conditions:
 - (a) you must, satisfactorily perform community service, as directed by a probation officer or a supervisor, for 140 hours
- b Pursuant to s 13A of the *Family Violence Act*, I direct that each crime be recorded on your criminal record as a family violence offence.